

THURSDAY, Dec, 10,

The Senate met pursuant to adjournment—Prayer by the Chaplain—roll called—quorum present.

The Journal of yesterday was read and adopted.

Mr. Taylor of Houston, Chairman of the committee on enrolled bills, reported the following bills correctly enrolled, properly signed, and this day presented to the Governor.

A bill to provide a uniform time for terminating the fiscal year of the several offices of the State Department.

A bill to amend the 2d section of an act to amend the second section of an act to amend the second and seventh sections of an act to organize the Supreme Court of the State of Texas, approved Nov. 30th, 1850, and February 13th, 1854.

A bill to change the name of Leander Milton Nealy, to Leander Milton Stone.

A bill to provide for a special election in the 21st senatorial district, to fill the vacancy occasioned by the resignation of the Hon. E. M. Millican.

A bill to permit Wm. H. Burkhart to practice law in the courts of this State.

A bill to authorize the Clerk of the county court of Fayette county to transcribe certain records therein named.

And a bill to authorize the Clerk of the District Court of Fayette county to transcribe certain records therein named.

Mr. Pirkey, from the committee on Private Land Claims, to which was referred a bill for the relief of James G. Collier, reported the same back to the Senate, and recommended its passage, with the following amendment.

Amend by adding,

“And provided further that said James G. Collier, shall file with his field notes an authenticated transfer to him from the original settler.”

On motion of Mr. Taylor of Fannin, the rule was suspended bill and report taken up, read, and amendment adopted.

The bill was then ordered to be engrossed.

Rule further suspended, bill read a third time and passed.

Mr. Throckmorton, from the committee on Claims and Accounts, made the following report :

The committee on Claims and Accounts to which was referred the petition of Ignacio Perez, have considered the same. The committee find by the certificate of Lieutenant Colonel Seguin that he as commanding officer of the 1st regiment of perma-

nent cavalry of the army of Texas, by order of President Houston, took from the stock of Ignacio Perez, 256 beeves, and forwarded them to the Texas army on the 10th of March, 1837, and by a certificate of the same officer, dated same day, he states that the garrison at San Antonio under his command used 133 beeves, out of the stock of Ignacio Perez, making 389 beeves in all. The accompanying affidavit of Luciano Navarro also shows that the stock of Ignacio Perez was used by the Texas army. By the accompanying account of the Comptroller it will be seen that the only reason why the claim of Perez for the 389 beeves has not been audited, was only for the want of a Quartermaster's or Company Officer's receipt, showing that the beeves were used and distributed for the use of the army. The testimony places the value of the beeves at eight dollars perhead. The committee, having considered the premises, deem it proper to refer the whole matter to the Senate for its consideration, and also a bill for the relief of Perez, without recommending either its passage or rejection.

A bill for the relief of Ignacio Perez ; read first time.

Mr. Martin, Chairman of the Committee on Private Land Claims, made the following report :

The committee on Private Land Claims to whom was referred a bill for the relief of Andrew Mayson, have had the same under consideration, and report that petitioner asks a patent to him as assignee upon the headright certificate of Robert H. Andrews, survey No. 684, but no transfers are shown. Your committee however are satisfied from the evidence of the Hon. Messrs. Lott and Lewter, that he purchased said certificate some ten years since, and located it, and has resided thereon ever since, your committee however think that he can obtain his rights from the courts of the country, and that this is not the proper place to obtain relief. The committee therefore direct me to return the petition to the Senate and recommend its indefinite postponement.

The committee on Private Land Claims, have considered a House bill for the relief of Wm. Lee, and recommend its passage with the following amendment :

Amendment, add,

"Provided, that he shall pay the fees provided for the pre-emption land."

Mr. Guinn, chairman on the part of the Senate, of the joint committee on the Court of Claims, made the following report :

The committee to which was referred the report of the Com-

missioner of Claims, have had under consideration so much of said report as relates to claims recommended by said Commissioner for headrights of land. The committee, after a patient investigation of each claim separately, believe the following parties are justly entitled to the lands allotted to each, viz :

- The heirs of William Barlow, one-third of a league.
- William Y. Allen, 320 acres.
- The heirs of George Gasley, 1280 acres.
- The heirs of Jacob Renard an unconditional certificate for 640 acres.
- Alexander Murchison 640 acres.
- Samuel Harris 320 acres.
- Heirs of John Lockhart, 320 acres, augmentation.
- John W. Harris 320 acres.
- Heirs of Willis A. Moore one-third of a league.
- Heirs of Leonard Burns 640 acres.
- Marcus L. Fulton, 369 acres, augmentation.
- Thomas B. and James Howard each, 320 acres.
- Juan Delgado, one league and one labor.
- Heirs of John Bradley, 640 acres.
- Morgan L. Smith, 640 acres.
- Heirs of Abraham Marshall one-third of a league.
- Heirs of Wm. S. Dobbin one-third of a league.
- Henry Harruff 320 acres.
- Joshua Fulcher one league.
- Heirs of James McWhorter an unconditional certificate for 640 acres.
- Micajah Clark, 320 acres.
- Heirs of Matthew L. Roberts one-third of a league.
- Heirs of William Ursener 320 acres.
- Heirs of Benjamin A. Campbell 320 acres.
- Heirs of George Dyer one-third of a league.
- John C. Duncan 640 acres.
- Hiram Walker 5,973,878 square varas.
- Robert Rose unconditional certificate for 320 acres.
- Heirs of P. J. Wyche, one-third of a league.
- Heirs of Z. H. Short one-third of a league.
- Calvin Shipman 640 acres.
- Heirs of D. P. Richardson, 640 acres.
- John M. Louis 320 acres.
- Heirs of James M. Rose one-third of a league.
- Wiley Barnes, 320 acres.

Alonzo B. Follett 320 acres.

And the heirs of Thomas A. Howell, one league and one labor.

The following claims, embraced in the same portion of said report were rejected, for the reasons stated, namely :

The heirs of William J. Cowan, for headright of one-third league, there being no legal proof entitling the said Cowan to land.

Heirs of Eliza A. Farries for first class headright, no proof whatever that Eliza A. Farries was the head of a family.

Heirs of William H. Davis, one-third of a league, no sufficient proof.

Heirs of C. P. Hart, one-third of a league, proof not sufficient.

Heirs of William H. Sowell two-thirds of a league and one labor, proof not in conformity to law.

Heirs of Wm. Gray, 1280 acres, proof insufficient.

The committee therefore instruct me to report the accompanying bill, and respectfully recommend its passage.

A bill to authorize and require the Commissioner of Claims, to issue certain headright certificates therein named ; read first time.

Mr. Throckmorton introduced a bill to protect persons whose lands are subject to forfeiture ; read first and second times and referred to the committee on the Judiciary.

Mr. Guinn, Chairman of the committee on Claims and Accounts made the following report :

The committee on Claims and Accounts, to whom was referred the petition of William Oldham, asking for relief, have had the same under consideration, and the committee have instructed me to report it back, and ask that the relief be not granted. The petitioner wants pay as a paymaster instead of a private in the Mier expedition. He received as his pay as a private, the sum of \$605 00, and by an act of the Legislature passed the adjourned session 1856, he received as paymaster of the Summerville expedition, \$379 50, making in all the sum of \$984 50. The petitioner alleges that he was paymaster in the Mier expedition. The proof shows that the petitioner was out in the Summerville and Mier expedition about six months from the time he entered the service, till he returned home on the Brazos river. The proof shows further that he received pay as a private in the Mier expedition, the sum of \$605 00 as above stated, which was twenty-two dol-

lars and fifty cents per month. Then it is evident that the petitioner received pay for eighteen months service, when he was at home, which makes the sum of \$405 00. The proof shows that after the battle of the Rescue, they, the prisoners, requested the petitioner to distribute the spoils between the Mier prisoners. This is the only proof that petitioner ever acted as paymaster of said expedition, and the proof shows that at the battle aforesaid, the petitioner succeeded in making his escape back home, sometime in the month of April, 1842, which, reckoning from October previous, makes about six months he was out. The most liberal construction of the proof in the case will show that he acted as paymaster after the battle of the Rescue, at the distribution of the spoils. But to allow him to be paymaster of said expedition from the 15th January 1842, until the 15th April, same year, at \$60 per month, makes the sum of \$180 00. Then deduct this amount from the sum of 405, 00 will leave the sum of \$225, the amount of \$405 for eighteen months service, as first mentioned, he was entitled from the fact he was taken prisoner at the battle of Mier. As it is evident there was no use for a paymaster in the expedition, and he has already received as much pay as any private that was in said expedition, when he was so fortunate as to reach home in April 1842, while nearly all of his comrades were confined in prison in Mexico, and did not reach home for some eighteen months after he did, then to pay him as paymaster of said expedition for the term of 24 months at \$60 per month, less twenty-two dollars and fifty cents, in the opinion of the committee would be gross injustice to the men that composed said expedition. They feel satisfied that he has received a fuller compensation than the rest of his unfortunate comrades that composed said expedition. All of which is respectfully submitted.

Mr. Potter, from the committee on State Affairs made the following report :

The committee on State Affairs, have considered a bill to be entitled an act to continue in force an act making provision for running and marking the boundary line between the State of Texas, and the territory of the United States, approved February 2d, 1856. The object of the bill is to continue the appropriation made by the sixth Legislature of the State, for the purpose of running and marking the northern boundary line of the State of Texas. At the time of the passage of the original act and since, it was supposed that the United States govern-

ment would appoint proper persons to act on her part with the Texas Commissioner and Surveyor, in running and marking the northern and north-eastern boundary line of Texas. The United States Government has not yet taken action on the matter ; but it is believed that provision will be made for the work during the present session of Congress ; and if this is done it is proper that Texas should be in a condition to appoint a Commissioner and Surveyor to act with the United States Officers. It is well known that the proper settlement of this line has become a matter of much moment at this time in order to furnish a guide to our people, in the location and survey of the public domain. The committee therefore instruct me to return the bill back to the Senate and recommend its passage.

Mr. Potter, Chairman of the Judiciary committee made the following report :

The Judiciary committee have considered a House bill to be entitled an act to amend an act entitled an act to authorize the cancellation of patents in certain cases, passed February 3d 1854. The act proposed to be amended, provides that in cases where two parties have patents for the same land, or where there is a conflict in the boundaries of patented land the holder of the junior patent shall have the right to have his patent cancelled to the extent of the conflict, and shall be entitled to receive a new certificate in lieu of the patent, on the portion thereof so cancelled. By the terms of the act these provisions apply to grants made by the Republic and State of Texas, and do not extend to grants of land in Texas, made previous to the Revolution. The object of the bill under consideration is to extend the provisions of the act of 1854, to all grants made previous to the revolution, whether such grants be large or small. It would apply to ten or one hundred league grants, as well as to grants of but a single league, or one fourth of a league—and the committee are of opinion that such legislation would be inexpedient and improper. A majority of the committee therefore direct me to return the bill to the Senate, and recommend that it be rejected.

Mr. Martin, Chairman of the committee on Private Land Claims made the following report :

The Committee on Private Land Claims have examined the petition and vouchers of Buford Garrett, which shows by the affidavits of S. O. Fowler, and James J. White, stating that they knew Buford Garrett, that he was a volunteer in the army

during the war, and there is no evidence on file in the General Land Office, of any claim in the name of Buford Garrett. I am therefore instructed to report the accompanying bill and recommend its passage.

A bill for the relief of Buford Garrett, read first time.

The committee on Private Land Claims, have examined the petition of Thomas Stayton. From the proof made the committee think the applicant entitled, to the relief sought, and as claims of this class were exempt from going before the Court of Claims, the committee instruct me to report the accompanying bill and recommend its passage.

A bill for the relief of Thomas Stayton, read 1st time.

Mr. Stockdale, from the committee on State Affairs, made the following report :

The committee on State Affairs have considered a bill to release the right of the State to mines and minerals, and instruct me to report, that the policy of the bill is, in the opinion of the committee, correct, and should extend itself so as to include salt licks and salt springs. In accordance with this view I am instructed to report the accompanying bill as a substitute, and recommend its adoption and passage.

Mr. Potter, Chairman of the committee on the Judiciary, made the following report :

The committee on the Judiciary have considered a bill to authorize the sale of the public domain, and instruct me to report a substitute therefor, and recommend its adoption and passage.

#### ORDERS OF THE DAY.

A bill to locate permanently the seat of justice of Tarrant county, special order for to-day was read ; the yeas and nays being called on its passage stood thus :

YEAS—Messrs. Burroughs, Erath, Fall, Graham, Guinn, Lott, Martin, Maverick, Pirkey, Potter, Russell, Scarborough, Taylor of Cass, Walker and Wren—15.

NAYS—Messrs. Britton, Caldwell, Grimes, Herbert, Hyde, McCulloch, Paschal, Pedigo, Quinan, Shepard, Stockdale, Taylor of Fannin, Taylor of Houston, Throckmorton, Truitt and Wigfall—16.

Rejected.

A bill for the relief of Jacob Smith and Isaac Foster, read, and

On motion of Mr. Guinn referred to the joint committee on the Court of Claims.

A bill to increase the Special School Fund, read a third time and passed.

A House bill to authorize the Commissioner of the General Land office to issue a duplicate certificate to Levi Korn, on certain conditions, read third time and passed.

A bill for the relief of Harvey Trotter, read a third time and passed.

A message was received from the House informing the Senate that the House had adopted the report of the committee of conference on the amendment to a House bill to pay a volunteer company called into service by the Governor, and that the House had passed the Senate's bill to remove the disabilities of minority from James N. Scott, William P. Wyatt, William B. Fowler, and George B. McKinstry, and declare them severally of lawful age, with amendments.

On motion of Mr. McCulloch the rule was suspended and the Senate concurred in the amendment of the House to the last-named bill.

A House bill for the relief of Abel Morgan, read first and second times and referred to the committee on Claims and Accounts.

A bill to quiet the title to real estate in the city of Austin, was read.

Mr. Stockdale moved to amend the bill by striking out the words "on equitable" in line four, section one—lost.

On motion of Mr. Stockdale the bill was amended by adding to section one the following proviso :

Provided, that if it appear on the trial of the suit, that Edward Burleson, to whom the condemnation money was paid by the State, under the proceedings had pursuant to the original act of condemnation, was the legal owner, or had the equitable interest in and to said land, then and in that case the judgment of the court shall be in favor of the State, and provided further that this act is not intended to give any validity whatever or force to any title whether legal or equitable, which may have been acquired from the government since the condemnation of the land aforesaid, and provided further, that all persons having claim to the land aforesaid are hereby required to plead and become parties to the suit before provided for, either as plaintiffs, defendants, or intervenors, or their claims shall be for ever barred.

The bill was then passed to a third reading by the following vote :



YEAS—Messrs. Britton, Caldwell, Erath, Fall, Graham, Herbert, Hyde, McCulloch, Maverick, Paschal, Potter, Quinnan, Scarborough, Shepard, Taylor of Cass, Taylor of Houston, Throckmorton, Truitt and Wigfall—19.

MAYS—Messrs. Burroughs, Grimes, Guinn, Lott, Martin, Pirkey, Russell, Stockdale, Walker and Wren—10.

On motion of Mr. Throckmorton, the Senate adjourned until to-morrow morning 10 o'clock.

FRIDAY, December 11, 1857.

The Senate met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The Journal of yesterday was read and adopted.

A message was received from the House informing the Senate that the House had passed the following bills originating in that body:

A bill to incorporate Colorado College;

A bill for the relief of Joseph Baker, and

A substitute for the Senate's bill to repeal a portion of the act of Feb. 10, 1852, entitled an act in relation to lands in Peters' Colony; also,

That there is another bill pending in the House to carry out further the objects of said bill.

Mr. Taylor, of Houston, chairman of the committee on Enrolled Bills, reported a bill to provide for the payment of a Volunteer company, called into service by the Governor; and a bill to remove the disabilities of minority from James N. Scott, Wm. P. Wyatt, Wm. B. Fowler, Geo. B. McKinstry and John P. Arrington, correctly enrolled, properly signed, and this day presented to the Governor.

Mr. Fall, from the committee on Engrossed Bills, reported a bill for the relief of James G. Collier, assignee of Joshua Collins, correctly engrossed.

Mr. Potter, chairman of the committee on the Judiciary, to which was referred a bill to authorize the Commissioner of the General Land Office to cancel Patent No. 815, vol. 8, &c., reported the same back to the Senate and recommended its passage, with the following amendments:

Amend, 1st—In the caption, before the name, "Gregorio Sais," insert, "the heirs of."